

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 9

DIVERSIFIED RESTAURANT HOLDINGS  
INC. D/B/A BAGGER DAVE'S BURGER  
TAVERN,

Respondent,

and

Case 09-CA-181503

DANIEL GNAU, AN INDIVIDUAL

Charging Party.

**RESPONDENT'S MOTION FOR ADJOURNMENT OF THE MAY 30, 2017 HEARING**

NOW COMES Respondent, Diversified Restaurant Holdings Inc. d/b/a Bagger Dave's Burger Tavern ("Diversified"), by and through its attorneys, Tomkiw Mackewich, PLC, and states the following in support of its Motion for Adjournment of the May 30, 2017 Hearing:

1. A Complaint and Notice of Hearing was filed in this case on or around February 28, 2017.
2. Respondent filed a timely Answer to the Complaint.
3. The parties are actively engaged in good faith and productive settlement negotiations.
4. Settlement negotiations will be derailed if the parties have to spend time preparing for a hearing.
5. A six (6) week adjournment of the May 30, 2017 Hearing to the week of July 10, 2017 will allow the parties to utilize their resources efficiently and continue pursuing settlement.
6. The requested adjournment has been discussed with Kevin Luken of the office of the Regional Director.

7. Mr. Luken has confirmed that the Charging Party has no objection to the requested adjournment.

8. Pursuant to Section 102.16(a)(1) of the Rules and Regulations of the NLRB, an adjournment is proper when there are no objections to the requested relief.

9. Pursuant to Section 102.16(a)(3) of the Rules and Regulations of the NLRB, an adjournment is proper when negotiations which could lead to settlement of all or a portion of the complaint are in progress.

WHEREFORE, for the reasons set forth in Respondent's Motion for Adjournment of the May 30, 2017 Hearing, Respondent respectfully requests a six (6) adjournment of the May 30, 2017 Hearing to the week of July 10, 2017.

Respectfully Submitted,

**TOMKIW MACKEWICH, PLC**

Dated: May 11, 2017

/s/Andrey T. Tomkiw

Andrey T. Tomkiw (P47341)

Attorneys for Respondent

612 East 4<sup>th</sup> Street

Royal Oak, MI 48067

Tel (248) 591-7000